REMARKS:

Claims 1-6, 8-13 and 15-22 remain pending in this application.

Section 103 Rejections

The Examiner rejected all of the pending independent claims under 35 U.S.C. § 103(a) based on Bannai, U.S. Patent No. 5,412,486, in view of Lane et al., U.S. Patent No. 5,377,051. Applicant traverses these rejections.

Claim 1 recites "fetch[ing] a *dynamically*-determined extent of [] corresponding frame data for each of at least one of the frames in [a] video stream." In the Office Action, the Examiner maintains that Lane teaches this feature,[1] allegedly because Lane's "demodulator generates 8 bits of data (dynamically-determined extent) for every 10 bits of data (the entirety of the frame data) received from heads 440." *See* Office Action at 2. As described in the Response to the Office Action of 10/03/08, Lane discloses a video recorder that records data on a tape that has been modulated using 8b/10b encoding in which "10 bits of data" is recorded "for [every] 8 bits" of supplied data. *See* Lane (Abstract) and 52:39-49. As a result, when this data is later retrieved from the tape, these "10 bits of data" are demodulated to "generate[the original] 8 bits of data" from each recorded data block. *See id.* at 53:1-12. Even assuming *arguendo* that Lane's generation of 8 bits of data from 10 bits of recorded data constitutes fetching "extents" of data, these extents are always 8 bits of data for every 10 bits of data. Lane 53:1-2. Applicant therefore submits that Lane's 8-bit extents are in no way "*dynamically* determined" as recited in claim 1.

The Examiner also alleges that Lane again teaches "dynamically-determined extent[s]," because Lane allegedly discloses that "during trick play reproduction, the I frame is less than the original frame." Office Action at 2. As an initial matter, it is difficult to understand what the Examiner is specifically referring to, because no particular citation is provided for this assertion. Applicant assumes that the Examiner is referring to Lane's usage of an "I-frame," which is a component of MPEG compression. *See* Lane 7:1-8. Applicant's specification acknowledges the

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[1] The Examiner acknowledges that Bannai does not teach or suggest this feature. Office Action at 3. Accordingly, if Lane can be shown not to teach or suggest this feature (as is argued herein), the instant rejection does not establish a *prima facie* case of obviousness.

existence of compression techniques such as the MPEG standard. Specification 1:22-26. The specification also states that one of the disadvantages of using compression at a predetermined ration is that "[t]he extent of [] degradation is determined at the time of compression, and cannot be adjusted in response to changing circumstances." Specification 2:2-3. Similarly, Lane's usage of MPEG compression (as well as Lane's ability to generate 8 bits of data from 10 bits of recorded data) is distinct from "fetch[ing] a *dynamically determined* extent" as recited in claim 1. For at least this reason, Applicant disagrees with the Examiner's assertion that "the cited prior art performs the same functions as of the instant application['s] claimed limitation." *See* Office Action at 3.

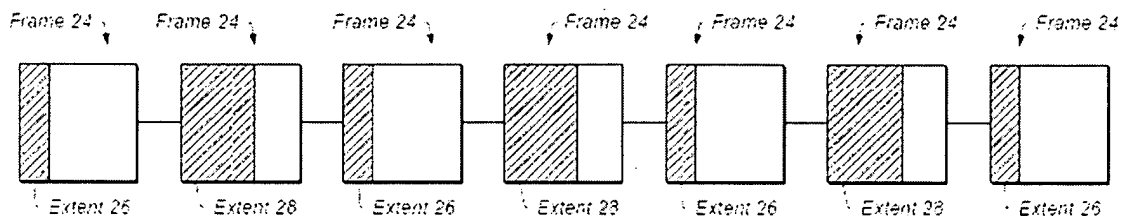Consider Fig. 5 of Applicant's specification shown below:

FIG. 5

Fig. 5 illustrates one possible (non-limiting) example of "fetch[ing] dynamically-determined extent[s] of []corresponding frame data." Because extents of Fig. 5 are a type of a "dynamically-determined extent", the extents are permitted to vary (e.g., compare extent 26 with extent 28, which is larger).[2] Applicant vigorously disagrees with the assertion that Lane's 8-bit extents are "dynamically determined" as recited in claim 1. For at least the reasons given above, claim 1 and its dependent claims are believed to be patentably distinct over the cited references, and thus in condition for allowance. Independent claims 8 and 15 are believed to be patentably distinct over the cited references (along with their respective dependent claims) for at least reasons similar to those provided above in support of claim 1. Applicant therefore respectfully requests removal of the § 103 rejections.

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[2] This example is not intended to limit claim 1, but rather to illustrate that a disclosed embodiment within the scope of the language of the claim is different from what is taught or suggested by Lane.

Furthermore, Lane certainly does not teach or suggest "wherein the dynamically-determined extents of the corresponding frame data for the at least one of the frames in the video stream include varying extents of frame data," as recited in claim 21. The Examiner rejects this claim by relying on the same portion of Lane used in the rejection of claim 1. As stated above, Lane does not have "varying extents of frame data" since 8 bits are always fetched in Lane. For this further reason claim 21 is believed to further distinguish over the cited references. Similar remarks apply to claim 22, which depends from claim 8.

CONCLUSION:

Applicant respectfully submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5957-63700/DMM.

Also filed herewith are the following items:

☐ Request for Continued Examination
☐ Information Disclosure Statement
☐ Notice of Change of Address
☐ Petition for Extension of Time
☐ Other:

Respectfully submitted,

Date: <u>May 29, 2009</u>

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